



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,427	01/27/2004	William C. Maloney	127071.0018.000	4239

7590 04/17/2007
Mark A. Tidwell
JACKSON WALKER L.L.P.
Suite 2100
112 E. Pecan
San Antonio, TX 78205

EXAMINER

NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
----------	--------------

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

CS

Office Action Summary	Application No.		Applicant(s)	
	10/766,427		MALONEY, WILLIAM C.	
	Examiner		Art Unit	
	Phung T. Nguyen		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43-46 is/are allowed.
- 6) ☒ Claim(s) 26-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 27, 28, 29, 31, 32, 36, 38, 39, 41, and 42 are objected to because of the following informalities:

Claim 27, line 1, change "claim 1" to --claim 26--

Claim 28, line 1, change "claim 1" to --claim 26--

Claim 29, line 1, change "claim 1" to --claim 26--

Claim 31, line 1, change "claim 1" to --claim 26--

Claim 32, line 1, change "claim 1" to --claim 26--

Claim 36, line 1, change "claim 1" to --claim 26--

Claim 38, line 1, change "claim 1" to --claim 26--

Claim 39, line 1, change "claim 1" to --claim 26--

Claim 41, line 1, change "claim 1" to --claim 26--

Claim 42, line 1, change "claim 1" to --claim 26--

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites the limitation "said electronic memory". There is insufficient antecedent basis for this limitation in the claim.

Claim 28 recites the limitation "said electronic memory". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26, and 29-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saliga (U.S. Pat. 5,038,023).

Regarding claim 26: Saliga discloses system for storing and monitoring bar coded articles such as in a drawer comprising an elongated body having a first end and a second end and a first width, a tongue extending from the second end of said body, and an electronic device attached to said tongue (figures 1-3, col. 4, lines 21-28, and 54-60). Saliga does not specially teach the tongue having a second width smaller than the first width so as to form a shoulder where said tongue extends from the second end of said body as claimed. Since Saliga discloses an elongated body having a first end and a second end as seen in figure 2, it would be obvious to the skilled artisan to modify the device of Saliga in order to have a second width smaller than the first width so as to form a shoulder where the tongue extends from the second end of the body if desired because they are functional equivalent.

Art Unit: 2612

Regarding claim 29: Saliga discloses wherein said tongue is elongated and extends from a proximal end adjacent the second end of the elongated body to a distal end as seen in figure 2.

Regarding claim 30: Saliga discloses wherein said tongue tapers from said proximal end to said distal end as seen in figure 2.

Regarding claim 31: Saliga discloses wherein the electronic device is attached to the distal end of the tongue (fig. 2, col. 4, lines 54-60).

Regarding claim 32: Saliga discloses an attachment mechanism on said body for securing items thereto as seen in figure 2.

Regarding claim 33: Saliga discloses wherein said attachment mechanism is located at the first end of said elongated body as seen in figure 2.

Regarding claim 34: Saliga discloses wherein said attachment mechanism comprises an aperture as seen in figure 2.

Regarding claim 35: Saliga discloses wherein said attachment mechanism further comprises a rivet mounted in said aperture as seen in figure 2.

Regarding claim 36: Saliga discloses the tongue defined by a first face and a second face, wherein said electronic device protrudes from said first face as seen in figure 2.

Regarding claim 37: Saliga does not disclose wherein said electronic device is substantially flush with said second face. Since Saliga teaches the electronic device attaching to the second face, it would be an obvious design choice to have said electronic device is substantially flush with said second face.

Regarding claim 38: Saliga discloses the tongue defined by a first face and a second face, wherein said electronic device protrudes substantially from said first face and minimally from said second face as seen in figure 2.

Regarding claim 39: Saliga discloses wherein said elongated body tapers at said first end as seen in figure 2.

Regarding claim 40: Saliga discloses an attachment mechanism located adjacent said taper at said first end as shown in figure 2.

Regarding claim 41: Saliga discloses wherein said elongated body is formed of a non-conducting material (col. 4, lines 54-57).

Regarding claim 42: Saliga discloses wherein said elongated body is formed of plastic (col. 4, lines 54-57).

Allowable Subject Matter

5. Claims 43-46 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 43 and 44, patentability resides in "an electronic memory device attached to said distal end of said tongue, said electronic memory device having an electronic identification code stored therein", in combination with the other limitations of the claim.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

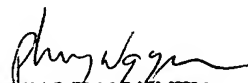
- a. Peter et al. [US 4,661,806] disclose computer controlled key management system.
- b. Pires et al. [US 6,592,028] disclose system and device for storing objects.

Art Unit: 2612

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on 8:00am-4:30pm Mon thru. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.


PHUNG T. NGUYEN
PRIMARY EXAMINER

Date: April 13, 2007